

1 AN ACT concerning public labor relations.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Illinois Public Labor Relations Act is
5 amended by changing Sections 9 and 20 as follows:

6 (5 ILCS 315/9) (from Ch. 48, par. 1609)

7 Sec. 9. Elections; recognition.

8 (a) Whenever in accordance with such regulations as may
9 be prescribed by the Board a petition has been filed:

10 (1) by a public employee or group of public
11 employees or any labor organization acting in their
12 behalf demonstrating that 30% of the public employees in
13 an appropriate unit (A) wish to be represented for the
14 purposes of collective bargaining by a labor
15 organization as exclusive representative, or (B)
16 asserting that the labor organization which has been
17 certified or is currently recognized by the public
18 employer as bargaining representative is no longer the
19 representative of the majority of public employees in the
20 unit; or

21 (2) by a public employer alleging that one or more
22 labor organizations have presented to it a claim that
23 they be recognized as the representative of a majority of
24 the public employees in an appropriate unit, the Board
25 shall investigate such petition, and if it has reasonable
26 cause to believe that a question of representation
27 exists, shall provide for an appropriate hearing upon due
28 notice. Such hearing shall be held at the offices of the
29 Board or such other location as the Board deems
30 appropriate. If it finds upon the record of the hearing
31 that a question of representation exists, it shall direct

1 an election in accordance with subsection (d) of this
2 Section, which election shall be held not later than 120
3 days after the date the petition was filed regardless of
4 whether that petition was filed before or after the
5 effective date of this amendatory Act of 1987; provided,
6 however, the Board may extend the time for holding an
7 election by an additional 60 days if, upon motion by a
8 person who has filed a petition under this Section or is
9 the subject of a petition filed under this Section and is
10 a party to such hearing, or upon the Board's own motion,
11 the Board finds that good cause has been shown for
12 extending the election date; provided further, that
13 nothing in this Section shall prohibit the Board, in its
14 discretion, from extending the time for holding an
15 election for so long as may be necessary under the
16 circumstances, where the purpose for such extension is to
17 permit resolution by the Board of an unfair labor
18 practice charge filed by one of the parties to a
19 representational proceeding against the other based upon
20 conduct which may either affect the existence of a
21 question concerning representation or have a tendency to
22 interfere with a fair and free election, where the party
23 filing the charge has not filed a request to proceed with
24 the election; and provided further that prior to the
25 expiration of the total time allotted for holding an
26 election, a person who has filed a petition under this
27 Section or is the subject of a petition filed under this
28 Section and is a party to such hearing or the Board, may
29 move for and obtain the entry of an order in the circuit
30 court of the county in which the majority of the public
31 employees sought to be represented by such person reside,
32 such order extending the date upon which the election
33 shall be held. Such order shall be issued by the circuit
34 court only upon a judicial finding that there has been a

1 sufficient showing that there is good cause to extend the
2 election date beyond such period and shall require the
3 Board to hold the election as soon as is feasible given
4 the totality of the circumstances. Such 120 day period
5 may be extended one or more times by the agreement of all
6 parties to the hearing to a date certain without the
7 necessity of obtaining a court order. Nothing in this
8 Section prohibits the waiving of hearings by stipulation
9 for the purpose of a consent election in conformity with
10 the rules and regulations of the Board or an election in
11 a unit agreed upon by the parties. Other interested
12 employee organizations may intervene in the proceedings
13 in the manner and within the time period specified by
14 rules and regulations of the Board. Interested parties
15 who are necessary to the proceedings may also intervene
16 in the proceedings in the manner and within the time
17 period specified by the rules and regulations of the
18 Board.

19 (a-5) Whenever a petition or a request for recognition
20 has been filed pursuant to this Section demonstrating that
21 75% or more of the employees of a unit of local government
22 employing 2 or more employees wish to be represented for the
23 purposes of collective bargaining by a labor organization as
24 exclusive representative, the Board shall investigate the
25 petition or request for recognition and, if it has reason to
26 believe that the petition or request for recognition has been
27 endorsed by 75% of the employees of the bargaining unit,
28 shall process the petition or request for recognition
29 pursuant to Board rules.

30 (b) The Board shall decide in each case, in order to
31 assure public employees the fullest freedom in exercising the
32 rights guaranteed by this Act, a unit appropriate for the
33 purpose of collective bargaining, based upon but not limited
34 to such factors as: historical pattern of recognition;

1 community of interest including employee skills and
2 functions; degree of functional integration;
3 interchangeability and contact among employees; fragmentation
4 of employee groups; common supervision, wages, hours and
5 other working conditions of the employees involved; and the
6 desires of the employees. For purposes of this subsection,
7 fragmentation shall not be the sole or predominant factor
8 used by the Board in determining an appropriate bargaining
9 unit. Except with respect to non-State fire fighters and
10 paramedics employed by fire departments and fire protection
11 districts, non-State peace officers and peace officers in the
12 State Department of State Police, a single bargaining unit
13 determined by the Board may not include both supervisors and
14 nonsupervisors, except for bargaining units in existence on
15 the effective date of this Act. With respect to non-State
16 fire fighters and paramedics employed by fire departments and
17 fire protection districts, non-State peace officers and peace
18 officers in the State Department of State Police, a single
19 bargaining unit determined by the Board may not include both
20 supervisors and nonsupervisors, except for bargaining units
21 in existence on the effective date of this amendatory Act of
22 1985.

23 In cases involving an historical pattern of recognition,
24 and in cases where the employer has recognized the union as
25 the sole and exclusive bargaining agent for a specified
26 existing unit, the Board shall find the employees in the unit
27 then represented by the union pursuant to the recognition to
28 be the appropriate unit.

29 Notwithstanding the above factors, where the majority of
30 public employees of a craft so decide, the Board shall
31 designate such craft as a unit appropriate for the purposes
32 of collective bargaining.

33 The Board shall not decide that any unit is appropriate
34 if such unit includes both professional and nonprofessional

1 employees, unless a majority of each group votes for
2 inclusion in such unit.

3 (c) Nothing in this Act shall interfere with or negate
4 the current representation rights or patterns and practices
5 of labor organizations which have historically represented
6 public employees for the purpose of collective bargaining,
7 including but not limited to the negotiations of wages, hours
8 and working conditions, discussions of employees' grievances,
9 resolution of jurisdictional disputes, or the establishment
10 and maintenance of prevailing wage rates, unless a majority
11 of employees so represented express a contrary desire
12 pursuant to the procedures set forth in this Act.

13 (d) In instances where the employer does not voluntarily
14 recognize a labor organization as the exclusive bargaining
15 representative for a unit of employees, the Board shall
16 determine the majority representative of the public employees
17 in an appropriate collective bargaining unit by conducting a
18 secret ballot election. Within 7 days after the Board issues
19 its bargaining unit determination and direction of election
20 or the execution of a stipulation for the purpose of a
21 consent election, the public employer shall submit to the
22 labor organization the complete names and addresses of those
23 employees who are determined by the Board to be eligible to
24 participate in the election. When the Board has determined
25 that a labor organization has been fairly and freely chosen
26 by a majority of employees in an appropriate unit, it shall
27 certify such organization as the exclusive representative.
28 If the Board determines that a majority of employees in an
29 appropriate unit has fairly and freely chosen not to be
30 represented by a labor organization, it shall so certify. The
31 Board may also revoke the certification of the public
32 employee organizations as exclusive bargaining
33 representatives which have been found by a secret ballot
34 election to be no longer the majority representative.

1 (e) The Board shall not conduct an election in any
2 bargaining unit or any subdivision thereof within which a
3 valid election has been held in the preceding 12-month
4 period. The Board shall determine who is eligible to vote in
5 an election and shall establish rules governing the conduct
6 of the election or conduct affecting the results of the
7 election. The Board shall include on a ballot in a
8 representation election a choice of "no representation". A
9 labor organization currently representing the bargaining unit
10 of employees shall be placed on the ballot in any
11 representation election. In any election where none of the
12 choices on the ballot receives a majority, a runoff election
13 shall be conducted between the 2 choices receiving the
14 largest number of valid votes cast in the election. A labor
15 organization which receives a majority of the votes cast in
16 an election shall be certified by the Board as exclusive
17 representative of all public employees in the unit.

18 (f) Nothing in this or any other Act prohibits
19 recognition of a labor organization as the exclusive
20 representative by a public employer by mutual consent of the
21 employer and the labor organization, provided that the labor
22 organization represents a majority of the public employees in
23 an appropriate unit. Any employee organization which is
24 designated or selected by the majority of public employees,
25 in a unit of the public employer having no other recognized
26 or certified representative, as their representative for
27 purposes of collective bargaining may request recognition by
28 the public employer in writing. The public employer shall
29 post such request for a period of at least 20 days following
30 its receipt thereof on bulletin boards or other places used
31 or reserved for employee notices.

32 (g) Within the 20-day period any other interested
33 employee organization may petition the Board in the manner
34 specified by rules and regulations of the Board, provided

1 that such interested employee organization has been
2 designated by at least 10% of the employees in an appropriate
3 bargaining unit which includes all or some of the employees
4 in the unit recognized by the employer. In such event, the
5 Board shall proceed with the petition in the same manner as
6 provided by paragraph (1) of subsection (a) of this Section.

7 (h) No election shall be directed by the Board in any
8 bargaining unit where there is in force a valid collective
9 bargaining agreement. The Board, however, may process an
10 election petition filed between 90 and 60 days prior to the
11 expiration of the date of an agreement, and may further
12 refine, by rule or decision, the implementation of this
13 provision. No collective bargaining agreement bars an
14 election upon the petition of persons not parties thereto
15 where more than 3 years have elapsed since the effective date
16 of the agreement.

17 (i) An order of the Board dismissing a representation
18 petition, determining and certifying that a labor
19 organization has been fairly and freely chosen by a majority
20 of employees in an appropriate bargaining unit, determining
21 and certifying that a labor organization has not been fairly
22 and freely chosen by a majority of employees in the
23 bargaining unit or certifying a labor organization as the
24 exclusive representative of employees in an appropriate
25 bargaining unit because of a determination by the Board that
26 the labor organization is the historical bargaining
27 representative of employees in the bargaining unit, is a
28 final order. Any person aggrieved by any such order issued
29 on or after the effective date of this amendatory Act of 1987
30 may apply for and obtain judicial review in accordance with
31 provisions of the Administrative Review Law, as now or
32 hereafter amended, except that such review shall be afforded
33 directly in the Appellate Court for the district in which the
34 aggrieved party resides or transacts business. Any direct

1 appeal to the Appellate Court shall be filed within 35 days
2 from the date that a copy of the decision sought to be
3 reviewed was served upon the party affected by the decision.

4 (Source: P.A. 87-736; 88-1.)

5 (5 ILCS 315/20) (from Ch. 48, par. 1620)

6 Sec. 20. Prohibitions.

7 (a) Nothing in this Act shall be construed to require an
8 individual employee to render labor or service without his
9 consent, nor shall anything in this Act be construed to make
10 the quitting of his labor by an individual employee an
11 illegal act; nor shall any court issue any process to compel
12 the performance by an individual employee of such labor or
13 service, without his consent; nor shall the quitting of labor
14 by an employee or employees in good faith because of
15 abnormally dangerous conditions for work at the place of
16 employment of such employee be deemed a strike under this
17 Act.

18 (b) This Act shall not be applicable to units of local
19 government employing less than 35 employees, except (i) with
20 respect to bargaining units in existence on the effective
21 date of this Act and fire protection districts required by
22 the Fire Protection District Act to appoint a Board of Fire
23 Commissioners and (ii) as provided by subsection (a-5) of
24 Section 9.

25 (Source: P.A. 87-736.)

26 Section 99. Effective date. This Act takes effect July
27 1, 2003.